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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

**Office Action Summary**

Application No.

09/493,220

Applicant(s)

LENNON, ALLISON JOAN

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18,32-53,67-71 and 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,32-53,67-71 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant amended claims 1, 3, 4, 10, 14-16, 32, 36, 38-39, 45, 49-51, 67, 71 and 74, canceled claims 117-118. Pending claims are 1-18, 32-53, 67-71 and 74.

2. Applicant's arguments with respect to claims 1, 32, 36, 67, 71 and 74 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-10, 12-18, 32-45, 47-53, 67-71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627].**

Regarding to claims 1, 36 and 71, Duwaer teaches a method and a system for compiling audio and/or visual items. The method allows a user browsing audio and/or visual items as *electronically accessible resources*. As shown in FIG. 2 is a layout example of creating a library in the database from a CD with 17 tracks. FIG. 3 is a layout after the selection according to FIG. 2. As shown in FIG. 3 is the description of a selected track,

*the description having descriptor components having attributes.* The description may be derived from the medium itself, such as from a table of contents (Col. 2, Line 64-Col. 3, Line 10). Each track has a track ID or track name to locate the track in the database (Col. 5, Lines 37-38 and Line 63-Col. 6, Line 1). As seen, in order to store a track of a CD into a database, *the descriptions having descriptor components having attributes* of a track as *a resource* is extracted or *read* from a table of content that is apart from the track, track name or track ID is used to link to a corresponding track. In short, the technique as discussed indicates the step of *reading the descriptions of the resources, the descriptions having descriptor components having attributes, being separate from the resources and having one or more links to corresponding electronically accessible resources.* As shown in FIG. 4 is the step of *displaying items for selection in accordance with an attribute representative of a first axis of access, each item being associated with a corresponding descriptor component of a description read in reading step* (Col. 3, Line 40-Col. 4, Line 2). By clicking on "The Beatles" in the performer field (Col. 4, Lines 15-17) as the step of *receiving a selection of one or more descriptor components using the displayed items.* By clicking the add button the track is written into the compilation by the track name (Col. 4, Lines 41-42) as the step of *reading, via link, electronically accessible resources in response to a received selection.* Duwaer does not explicitly teach the *attributes representative of at least two axes of access to the resources, receiving an indication of a further axis of access, and displaying further items for selection in accordance with an attribute representative of the further axis of access, wherein the further items correspond to child descriptor components of the selected one or more descriptor components.* However, as

disclosed by Duwaer, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. In fact, this also means that the number of dimensions of the space of the audio items is diminished by at least one. This also means that after a single such selection, the number of audio items that may still be selected can be larger than one. Further selecting by the mouse with respect to one or more other attributes may effectively restrict to displaying only one item (Col. 4, lines 15-23). Thus, if clicking on "Classical Music" in the type field *a first axis of access*, and corresponding to this selecting, obviously, any of performers, sources, or release date as *indication of a further axis of access* will be *received* and *further items* will be *displayed for selecting in accordance with an attribute representative of the further axis of access*. For example, release date as *further items* is selected in order to narrow down the result. And as shown in FIG. 7, item release date is a *child descriptor component of the selected descriptor component* type. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method and system by having attributes represented by at least two axes of access in order to narrow down the selection of a track for compilation.

Regarding to claims 2 and 37, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses: *description is represented by a tree of descriptor components, and one or more of said descriptor components have descriptor components as descendents* (FIG. 7, Col. 5).

Regarding to claims 3 and 38, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *one of said axes of access is a table of contents classification* (Type field of FIG. 4).

Regarding to claims 4 and 39, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *one of said axes of access is an index classification* (Release Date field of FIG. 4).

Regarding to claims 5 and 40, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *the descriptions of the resources are generated using a description scheme as a template, and the description scheme uses a declarative description definition language which contains definitions for descriptor components of the descriptions of the resources* (FIG. 7, Col. 5).

Regarding to claims 6 and 41, Duwaer teaches all the claimed subject matters as discussed in claims 5 and 40, Duwaer further discloses *the attributes of the descriptor components are defined in the description scheme* (FIG. 7, Col. 5).

Regarding to claims 7 and 42, Duwaer teaches all the claimed subject matters as discussed in claims 5 and 40, Duwaer further discloses *the attributes of the descriptor components are a persistent item of the description scheme* (FIG. 7, Col. 5).

Regarding to claims 8 and 43, Duwaer teaches all the claimed subject matters as discussed in claims 5 and 40, Duwaer further discloses *the attributes of the descriptor components are instantiated by an application when required* (FIG. 3, Cols. 2-3).

Regarding to claims 9 and 44, Duwaer teaches all the claimed subject matters as discussed in claims 8 and 43, Duwaer further discloses *the attributes of the descriptor components are instantiated using a rule that is associated with the description scheme* (Col. 3, Lines 34-39).

Regarding to claims 10 and 45, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *the resources comprise an item of digital audiovisual content* (Col. 1, Lines 5-10).

Regarding to claims 12 and 47, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *the resources comprise an electronic device* (FIG. 1, Col. 2).

Regarding to claims 13 and 48, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *each of the description contains links to identified sections of a resource* (FIG. 7, Col. 5).

Regarding to claims 14 and 49, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *axes of access are determined by rules operating on the description* (Col. 3, Lines 11-25).

Regarding to claims 15 and 50, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *axes of access are determined during the generation of the description of the resource* (Col. 3, Lines 11-25).

Regarding to claims 16 and 51, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, Duwaer further discloses *attributes of said descriptor components representative of said at least two axes of access are inferred from the content of the description* (Col. 3, Lines 7-10).

Regarding to claims 17 and 52, Duwaer teaches all the claimed subject matters as discussed in claims 16 and 51, Duwaer further discloses *attribute of a said descriptor component is inferred to be a table of content descriptor if the said descriptor component contains a reference to a resource or a section of a resource* (FIG. 7).

Regarding to claims 18 and 53, Duwaer teaches all the claimed subject matters as discussed in claims 17 and 52, Duwaer further discloses *attribute of a said descriptor component is inferred to be an index descriptor if the said descriptor component is not inferred to be a table of contents descriptor* (FIG. 7).



Regarding to claims 32, 67 and 74, Duwaer teaches a method and a system for compiling audio and/or visual items. The method allows a user browsing audio and/or visual items as *electronically accessible resources*. As shown in FIG. 2 is a layout example of creating a library in the database from a CD with 17 tracks. FIG. 3 is a layout after the selection according to FIG. 2. As shown in FIG. 3 is the description of a selected track, *the description having descriptor components each of which comprises a name of a feature of the resource and an associated representative value for the feature*, the Type filed for example is *one of the descriptor components including a table of contents attribute* and Performer or Source for example is *one of the descriptor components including an index attribute*. The description may be derived from the medium itself, such as from a table of contents (Col. 2, Line 64-Col. 3, Line 10). Each track has a track ID or track name to locate the track in the database (Col. 5, Lines 37-38 and Line 63-Col. 6, Line 1). As seen, in order to store a track of a CD into a database, *the descriptions having descriptor components* of a track as *a resource* is extracted or *read* from a table of content that is apart from the track. In short, the technique as discussed indicates the step of *reading the descriptions of the resources but not reading the resource, the description being separate from the resource and having descriptor components each of which comprises a name of a feature of the resource and an associated representative value for the feature, one or more of the descriptor components including a table of contents attribute, and one or more of the descriptor components including an index attribute*. As shown in FIG. 4 is the step of *displaying one or more tables of contents containing table of content items*, and Type field is

one *table of content item being associated with a corresponding descriptor component that has a table of contents attribute*. By clicking on "The Beatles" in the performer field (Col. 4, Lines 15-17) as the step of *receiving a selection of one displayed table of contents item*. As shown in FIG. 5 is the technique of *displaying an index containing index items, each displayed index item being associated with a corresponding descriptor component that has an index attribute and is associated with the selected table of contents item*. As disclosed by Duwaer, clicking on "The Beatles" in the performer field will suppress all items that were not performed by this group. In fact, this also means that the number of dimensions of the space of the audio items is diminished by at least one. This also means that after a single such selection, the number of audio items that may still be selected can be larger than one. Further selecting by the mouse with respect to one or more other attributes may effectively restrict to displaying only one item (Col. 4, lines 15-23). Thus, if clicking on "popmusic" in the type field, and corresponding to this selecting, the Performers, Sources, or Period field will be received after that, and take Source as an example, the Source field will have more than one value for further selection. By receiving a selection on a particular Source and as shown in Compilation Demo Compilation box, The Beatles/1962-1966 as the chosen representative value is associated with Track name Yesterday as the feature which corresponds to the selected index item. The technique as discussed indicates the step of *receiving a choice of a representative value for the selected index item; associating the chosen representative value with the feature which corresponds to the selected index item*. Duwaer does not explicitly teach the step of *the chosen representative value and its corresponding feature provide an annotation of the*

*resource*, and the step of receiving a selection of one displayed table of contents item as discussed above is *for the annotation*. However, as taught by Duwaer, it is possible that different tracks have the same name (Col. 3, lines 63-64), and as shown in FIG. 3, in order to store a track into the database, The Jacksons as a chosen representative value is associated with track name as a feature providing an explanation of the track or resource, and obviously, the method of compiling as discussed above could be used for annotating a track. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer compiling method by providing an annotation of a track in order to distinguish the same track name performed by different performer and in different time.

Regarding to claims 33 and 68, Duwaer teaches all the claimed subject matters as discussed in claim 32, Duwaer further discloses *description read in said reading step is represented by a tree of descriptor components, and one or more of the descriptor components have descriptor components as descendants* (FIG. 7).

Regarding to claims 34 and 69, Duwaer teaches all the claimed subject matters as discussed in claims 32 and 67, Duwaer further discloses *associating the selected display index item is allowed only if the corresponding descriptor of the selected display index item is a valid descriptor for the table of contents item selected for annotation* (FIG. 5).

Regarding to claim 35, Duwaer teaches all the claimed subject matters as discussed in claim 32, Duwaer further discloses the step of *choosing a representative value is predetermined* (FIG. 5).

Regarding to claim 70, Duwaer teaches all the claimed subject matters as discussed in claim 67, Duwaer further discloses *operation of said means for selecting one said table of contents item is optional and if not performed said means for displaying an index displays all said index items associated with all said table of contents items* (FIG. 5).

**5. Claims 11 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627] over DeRose et al. [USP 5,708,806].**

Regarding to claims 11 and 46, Duwaer teaches all the claimed subject matters as discussed in claims 1 and 36, but fails to disclose *the resources comprise an electronic document or resource available over the World Wide Web*. DeRose teaches a method and system for generating a representation of an electronic document and navigating the electronic document using its representation and for displaying the electronic document on an output device. DeRose further discloses *the resources comprise an electronic document or resource available over the World Wide Web* (DeRose, Col. 7, lines 60-66 and Col. 24, lines 4-18). Therefore, it would have been obvious for one of ordinary skill in the

art at the time the invention was made to modify the Duwaer method and system by including an electronic document in order to browse a document resource.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham  
March 30, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER